Draft Homeless Encampment Use Permit

- A. Purpose. The purpose of this chapter is to provide a permitting process and standards for homeless encampments for homeless persons, consistent with state laws, whether the cause of homelessness is related to social/economic issues or to a natural disaster.
- B. Definitions. The following definitions shall apply to Homeless Encampment Use Permits:
 - "Director" means the Director of the City's Department of Community Development.
- "Homeless Encampment" means a site for a group of homeless persons temporarily residing on a site, either out of doors or in a building.
- "Managing Agency" means an organization that is responsible for organizing and managing a Homeless Encampment. (Note: The Managing Agency may be the same entity as the Sponsor.)
- "Religious Organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.
- "Sponsor" means an entity that is hosting a Homeless Encampment on property it owns or controls and that serves as a liaison with the surrounding community.
- C. General Conditions. Homeless Encampments are allowed only pursuant to a Homeless Encampment Use Permit, which shall be a Type I permit issued by the Director in accordance with the following conditions:
 - 1. A Homeless Encampment may only be hosted by a Religious Organization, and must be located on real property owned or controlled by the Religious Organization.
 - 2. Each lot occupied by a Homeless Encampment must provide or have available parking and vehicular maneuvering area.
 - 3. A Homeless Encampment and the parking of any vehicles associated with a Homeless Encampment shall not displace the Sponsor site's parking lot in such a way that the Sponsor site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the Director.
 - 4. The Homeless Encampment shall be located within a quarter (1/4) mile of a bus stop, whenever possible. If not located within a quarter mile of a bus stop, the Host or Sponsoring Agency shall submit a plan with the permit application demonstrating the ability for residents to obtain access to the nearest public transportation stop.

- 5. No Homeless Encampment shall operate within the City of Sammanish for more than ninety (90) consecutive days, except that the Director may allow up to five (5) additional days to accommodate moving onto or off a site.
- 6. The City shall not grant a Homeless Encampment Use Permit that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a Homeless Encampment within the last twelve (12) months. For the purposes of this subsection, the 12 months shall be calculated from the last day the prior Homeless Encampment was located within a one-half-mile radius of a proposed new Homeless Encampment.
- 7. No more than one Homeless Encampment may be located in the City at any time.
- 8. All Homeless Encampments shall obtain, prior to occupancy, all applicable City of Sammamish permits, licenses and other approvals.
- 9 Each site occupied by a Homeless Encampment shall be left free of debris, litter, or other evidence of the Homeless Encampment upon the Homeless Encampment moving from the site.
- 10. An applicant shall submit a complete application for a Homeless Encampment Use Permit at least thirty (30) days before the occupancy of a Homeless Encampment.
- 11. A Homeless Encampment shall be limited to a maximum number of persons, not to exceed 100 persons, depending on the conditions of the proposed site. After a Homeless Encampment reaches its maximum capacity, any individual who arrives after sundown (and who meets all screening criteria) will be allowed to stay for one night, after which the individual shall not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the Director on a weekly basis.
- 12. Any permanent structures, as determined by the Director, shall meet the requirements of all SMC provisions and receive any necessary permits. All temporary structures for Homeless Encampments shall comply with the following requirements:
 - a. Homeless Encampment structures and facilities shall be located a minimum of 20 feet from any property line, unless otherwise approved by the Director.
 - b. A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between a Homeless Encampment and any abutting residential property. The Director shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement and may modify the fence requirement when the objective is achieved by other means.

- c. Exterior lighting must be directed downward, away from adjoining properties, and contained within the Homeless Encampment.
- d. If the temporary homeless encampment includes tents or membrane structures in excess of 400 square feet, or canopies in excess of 400 square feet, as defined by the International Fire Code, permit and approval for the tent, canopy or membrane structure shall be obtained from the fire marshal.
- 13. No children under the age of 18 shall be allowed to stay overnight in a Homeless Encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at a Homeless Encampment, the Managing Organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.
- 14. Homeless Encampments shall comply with all applicable standards of the Seattle-King County health department, or its successor.
- 15. Homeless Encampments shall comply with all Washington State and City codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Mondays through Fridays; and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays; except in the case of bona fide emergency or under the terms of a permit condition approved by the Director in the case of demonstrated necessity.
- 16. Homeless Encampments shall permit regular inspections by regulatory personnel, including City staff, the police department, Eastside Fire and Rescue, and the King County health department to check for permit and other code compliance by the Homeless Encampment.
- 17. Homeless Encampments shall have services such as food, water, and waste disposal supervised by the Sponsor or Managing Agency.
- 18. The Managing Agency shall maintain a resident log of all people residing at the Homeless Encampment. Such log shall be kept on site at the Homeless Encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log. The Sponsor shall be responsible for verifying that the log of persons residing at the Homeless Encampment is kept and that verifiable forms of identification are being provided.
- 19. Sponsors and Managing Agencies shall ensure enforcement of a code of conduct at Homeless Encampment sites. The code of conduct shall substantially include the following:

- a. Possession or use of illegal drugs is not permitted;
- b. No alcohol is permitted;
- c. No weapons are permitted;
- d. All knives over three and one-half inches must be turned in to the Managing Agency for safekeeping;
- e. No violence is permitted;
- f. No open flames are permitted;
- g. No trespassing onto private property in the surrounding neighborhood is permitted;
- h. No littering on the Homeless Encampment site or in the surrounding neighborhood is permitted; and
- i. No convicted sex offender shall reside in the homeless encampment.

Nothing within this section shall prohibit a Sponsor or Managing Agency from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.

- 20. Managing Agencies shall obtain warrant and sex offender checks from the King County Sheriff's Office ("Warrant Check") for all Homeless Encampment residents. For Homeless Encampment residents initially moving onto the site with the Homeless Encampment, the Warrant Check must be completed seven (7) day prior to the Homeless Encampment moving onto the site. For residents moving into the Homeless Encampment during the permit period, the Warrant Check must be completed upon the new resident moving on site. If a Warrant Check reveals a Homeless Encampment resident or prospective resident is a sex offender or has an active warrant, the Managing Agency or Sponsor shall immediately contact the City of Sammamish police department. The Sponsor shall be responsible for verifying that the Warrant Checks occurs.
- 21. Upon a determination that there has been a violation of any condition of permit approval, the Director may give written notice to the Sponsor describing the alleged violation pursuant to SMC Title 23 and other applicable code authority. Any violation of a subsequently issued stop work order under SMC 23.70 is declared a nuisance and may be enjoined by revocation of the Homeless Encampment Use Permit and vacation of the site by the Homeless Encampment.
- 22. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.

- 23. The Director may impose any other requirements as are necessary to mitigate impacts from Homeless Encampments on the public health and safety.
- D. Permit Application. An applicant for a Homeless Encampment permit shall submit all of the following, unless modified or waived by the Director:
 - 1. Application form for a Homeless Encampment Use Permit;
 - 2. A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:
 - a. All existing structures;
 - b. Existing parking stalls;
 - c. Parking stalls proposed to be unavailable for parking vehicles during the homeless encampment;
 - d. All proposed temporary structures;
 - e. Proposed electrical and plumbing connections;
 - f. Location of trash receptacles, including trash dumpsters;
 - g. Location of toilets and other sanitary facilities;
 - h. Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;
 - i. Proposed and existing ingress and egress;
 - j. Any permanent alterations on the lot to the site or structures; and
 - k. A designated smoking area; and
 - 1. Access routes for emergency vehicles.
 - 3. Proposed fencing or screening detail or typical section;
 - 4. Written authorization from the Sponsor on whose property the Homeless Encampment is to be located;
 - 5. A copy of any agreements with other parties regarding use of parking, either on site or off site;

- 6. A copy of any agreement between the Sponsor, the Managing Agency, and any schools and/or child care services:
- 7. A copy of the code of conduct;
- 8. The applicant shall provide the following in regard to the required neighborhood meeting:
 - a. The date, time, and location of the meeting;
 - b. Contact information for all persons representing the Managing Agency and Sponsor at the meeting;
 - c. A summary of comments provided during the meeting; and
 - d. Copies of any documents provided to attendants at the meeting and documents submitted by attendants at the meeting;
- 9. Any other information deemed necessary by the Director to protect public health and safety for the processing of a Homeless Encampment Use Permit; and
- 10. All applicable application filing fees in an amount established by City resolution.
- E. Application Process. A Homeless Encampment Use Permit is a Type I administrative decision. In addition to the requirements for the processing of administrative actions specified in the Sammamish Municipal Code, the following additional procedures shall apply:
 - 1. Neighborhood Meeting. The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed Homeless Encampment prior to submittal of an application. The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of real property within 500 feet of the lot(s) containing the proposed Homeless Encampment, provided such area shall be expanded as necessary to send mailed notices to at least 20 different property owners. The notice of the neighborhood meeting shall be mailed at least forty-five (45) days prior to the neighborhood meeting. Prior to the neighborhood meeting, the Sponsor and Managing Agency shall meet and confer with the Sammamish police department regarding any proposed security measures for the Homeless Encampment and the neighborhood meeting. At the neighborhood meeting, a representative of the Sponsor and Managing Agency shall present in writing and verbally the proposed Homeless Encampment location, timing, site plan, code of conduct, encampment concerns, and management security measures. The presentation shall also include all comments received on the proposed Homeless Encampment, including comments from the Sammamish police department, schools, and child care services. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed Homeless Encampment site whenever feasible.

- 2. Notice of Application. The City shall mail, first class and postage prepaid a Notice of Application per the requirements of SMC 20.05.060(7).
- 3. Schools and Child Care Service. Prior to submitting an application for a Homeless Encampment Use Permit, the Sponsor or Managing Agency shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the Homeless Encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the Homeless Encampment. The Sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional permit conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a Homeless Encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for possible inclusion as a condition of a Homeless Encampment Use Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions and request that the Director consider inclusion of conditions in the Homeless Encampment Use Permit. The Director shall evaluate such conditions as to whether they comply with statutory and code authority.
- F. Emergencies. The Director may waive these requirements as necessary for the public health and safety when a catastrophic event necessitates the immediate establishment of a Homeless Encampment.